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7 Attorneys for Plaintiff

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE DISTRICT OF ARIZONA

10 United States of America,  
11 Plaintiff,  
12 vs.  
13 Laura Lua,  
14 Defendant.  
15

CR 21-02978-13-JGZ-LCK

PLEA AGREEMENT

(Fast Track U.S.S.G. § 5K3.1)

16 The United States of America and the defendant agree to the following disposition  
17 of this matter:

18 PLEA

19 The defendant agrees to plead guilty to Count 17 of the Indictment charging the  
20 defendant with a violation of 18 U.S.C. § 1956(h), Conspiracy to Commit Money  
21 Laundering. All other counts will be dismissed at the time of sentencing.

22 ELEMENTS OF THE OFFENSE AND SENTENCING FACTOR

23 **Conspiracy to Commit Money Laundering:**

24 1. There was an agreement between two or more persons to commit the offense  
25 of money laundering in violation of Title 18, United States Code, Sections 1956, that is,  
26 there was an agreement that all or some of the co-conspirators, would launder money by:  
27 a. conducting a financial transaction involving property that represented  
28 the proceeds of some form of illegal activity, knowing the transaction was designed in

1 whole or in part to conceal or disguise the nature, location, source, ownership, or control  
2 of the proceeds; or

3 b. transporting money from a place in the United States to or through a  
4 place outside the United States with the intent to promote the carrying on of the  
5 transportation and harboring of illegal aliens; or

6 c. transporting money from a place in the United States to or through a  
7 place outside the United States knowing that the funds involved represented the proceeds  
8 of some form of unlawful activity and knowing that the transportation was designed in  
9 whole or in part to conceal or disguise the nature, location, source, ownership or control of  
10 the proceeds; and

11 2. The defendant became a member of the conspiracy knowing that the object  
12 of the conspiracy was the laundering of money.

### 13 STIPULATIONS, TERMS AND AGREEMENTS

#### 14 Maximum Penalties

15 A violation of 18 U.S.C. § 1956(h), Conspiracy to Commit Money Laundering, is  
16 punishable by a a fine of \$500,000.00, a maximum term of 20 years imprisonment, or both,  
17 and a term of supervised release of three years.

18 Pursuant to 18 U.S.C. § 3013, the defendant shall pay a special assessment of  
19 \$100.00 per felony count. The special assessment is due and payable at the time the  
20 defendant enters the plea of guilty, but in no event shall be paid later than the time of  
21 sentencing unless the defendant is indigent. If the defendant is indigent, the special  
22 assessment will be collected according to the provisions of Chapters 227 and 229 of Title  
23 18, United States Code.

#### 24 Agreements Regarding Sentence

25 1. Guideline Calculations: Although the parties understand that the Guidelines  
26 are only advisory and just one of the factors the Court will consider under 18 U.S.C. §  
27 3553(a) in imposing a sentence, pursuant to Fed. R. Crim. P. 11(c)(1)(C), the parties  
28

1 stipulate and agree that the below guideline calculations are appropriate for the charge for  
2 which the defendant is pleading guilty:

3 Conspiracy to Commit Money Laundering:

4	Base Offense Level:	2S1.1(a)(2)	8
5	(\$55,190)	2B1.1(b)(1)	+6
6	Conviction under 1956:	2S1.1(b)(2)(B)	+2
7	Acceptance of Responsibility	3E1.1(a) & (b)	-3
8	Early Disposition/Government Savings	5K3.1/5K2.0	-2
9			<u>11</u>

10 2. Sentencing Range: Pursuant to Fed. R. Crim. P. 11(c)(1)(C), the government  
11 and the defendant stipulate and agree that the following are the applicable guideline ranges  
12 for the offense, based on the defendant's criminal history category (CHC):

13	CHC I:	a sentencing range of 8-14 months of imprisonment.
14	CHC II:	a sentencing range of 10-16 months of imprisonment.
15	CHC III:	a sentencing range of 12-18 months of imprisonment.
16	CHC IV:	a sentencing range of 18-24 months of imprisonment.
17	CHC V:	a sentencing range of 24-30 months of imprisonment.
18	CHC VI:	a sentencing range of 27-33 months of imprisonment.

19 3. The defendant may withdraw from the plea agreement if he/she receives a  
20 sentence that exceeds the low end of the applicable range listed above.

21 4. If the defendant moves for any adjustments in Chapters Two, Three or Four of  
22 the Sentencing Guidelines or any "departures" from the Sentencing Guidelines, the  
23 government may withdraw from this agreement. If the defendant argues for a variance  
24 under 18 U.S.C. § 3553(a) in support of a sentence request below the stipulated range in  
25 this agreement, the government may oppose the requested variance. The government,  
26 however, will not withdraw from the agreement if the defendant argues for, and the Court  
27 grants, a variance below the stipulated range in this agreement.

28 5. If the Court, after reviewing this plea agreement, concludes any provision is  
inappropriate under Fed. R. Crim. P. 11(c)(5), it may reject the plea agreement, giving the  
defendant, in accordance with Fed. R. Crim. P. 11(d)(2)(A), an opportunity to withdraw  
the defendant's guilty plea.



1 further waives: (1) any right to appeal the Court's entry of judgment against defendant; (2)  
2 any right to appeal the imposition of sentence upon defendant under 18 U.S.C. § 3742  
3 (sentence appeals); (3) any right to appeal the district court's refusal to grant a requested  
4 variance; (4) any right to collaterally attack defendant's conviction and sentence under 28  
5 U.S.C. § 2255, or any other collateral attack; and (5) any right to file a motion for  
6 modification of sentence, including under 18 U.S.C. § 3582(c) (except for the right to file  
7 a compassionate release motion under 18 U.S.C. § 3582(c)(1)(A) and to appeal the denial  
8 of such a motion). The defendant acknowledges that this waiver shall result in the dismissal  
9 of any appeal or collateral attack the defendant might file challenging his/her conviction or  
10 sentence in this case. If the defendant files a notice of appeal or a habeas petition,  
11 notwithstanding this agreement, defendant agrees that this case shall, upon motion of the  
12 government, be remanded to the district court to determine whether defendant is in breach  
13 of this agreement and, if so, to permit the government to withdraw from the plea agreement.  
14 This waiver shall not be construed to bar an otherwise-preserved claim of ineffective  
15 assistance of counsel or of "prosecutorial misconduct" (as that term is defined by Section  
16 II.B of Ariz. Ethics Op. 15-01 (2015)).

#### 17 Reinstitution of Prosecution

18 Nothing in this agreement shall be construed to protect the defendant in any way  
19 from prosecution for perjury, false declaration or false statement, or any other offense  
20 committed by the defendant after the date of this agreement. In addition, if the defendant  
21 commits any criminal offense between the date of this agreement and the date of  
22 sentencing, the government will have the right to withdraw from this agreement. Any  
23 information, statements, documents and evidence which the defendant provides to the  
24 United States pursuant to this agreement may be used against the defendant in all such  
25 proceedings.

26 If the defendant's guilty plea is rejected, withdrawn, vacated, or reversed by any  
27 court in a later proceeding, the government will be free to prosecute the defendant for all  
28 charges as to which it has knowledge, and any charges that have been dismissed because

1 of this plea agreement will be automatically reinstated. In such event, the defendant waives  
2 any objections, motions, or defenses based upon the Speedy Trial Act or the Sixth  
3 Amendment to the Constitution as to the delay occasioned by the later proceedings.  
4 Defendant agrees that the stipulated sentencing ranges set forth under "Agreements  
5 Regarding Sentence" will not be offered if prosecution is re-instituted.

6 Disclosure of Information to U.S. Probation Office

7 The defendant understands the government's obligation to provide all information  
8 in its file regarding defendant to the United States Probation Office. The defendant fully  
9 understands and agrees to cooperate fully with the United States Probation Office in  
10 providing all information requested by the probation officer.

11 Effect on Other Proceedings

12 I further understand that if I violate any of the conditions of my supervised release,  
13 my supervised release may be revoked. Upon such revocation, notwithstanding any other  
14 provision of this agreement, I may be required to serve a term of imprisonment or my  
15 sentence may otherwise be altered.

16 WAIVER OF DEFENDANT'S RIGHTS

17 I have read each of the provisions of the entire plea agreement with the assistance  
18 of counsel and understand its provisions. I have discussed the case and my constitutional  
19 and other rights with my attorney. I understand that by entering my plea of guilty I will be  
20 giving up my right to plead not guilty; to trial by jury; to confront, cross-examine, and  
21 compel the attendance of witnesses; to present evidence in my defense; to remain silent  
22 and refuse to be a witnesses against myself by asserting my privilege against self-  
23 incrimination; all with the assistance of counsel, to be presumed innocent until proven  
24 guilty beyond a reasonable doubt, and to appeal. This waiver shall not be construed to bar  
25 an otherwise-preserved claim of ineffective assistance of counsel or of "prosecutorial  
26 misconduct."

27 I agree to enter my guilty plea as indicated above on the terms and conditions set  
28 forth in this agreement.

1 I have been advised by my attorney of the nature of the charge to which I am entering  
 2 my guilty plea. I have further been advised by my attorney of the nature and range of the  
 3 possible sentence.

4 My guilty plea is not the result of force, threats, assurance or promises other than  
 5 the promises contained in this agreement. I agree to the provisions of this agreement as a  
 6 voluntary act on my part, rather than at the direction of or because of the recommendation  
 7 of any other person, and I agree to be bound according to its provisions.

8 I agree that this written plea agreement contains all the terms and conditions of my plea  
 9 and that promises made by anyone (including my attorney) that are not contained within  
 10 this written plea agreement are without force and effect and are null and void.

11 I am satisfied that my defense attorney has represented me in a competent manner.

12 I am not now on or under the influence of any drug, medication, liquor, or other  
 13 intoxicant or depressant, which would impair my ability to fully understand the terms and  
 14 conditions of this plea agreement.

#### 15 FACTUAL BASIS AND SENTENCING FACTOR

16 I agree that the following facts accurately describe my conduct in connection with  
 17 the offense to which I am pleading guilty and that if this matter were to proceed to trial the  
 18 government could prove these facts beyond a reasonable doubt:

19 From a time unknown to December 16, 2021, in the District of Arizona, I,  
 20 Laura Lua, knowingly conspired and agreed with other persons known and  
 21 unknown to launder money in connection with an alien smuggling operation  
 22 run by Tony Cardenas. During this time, using my bank accounts and various  
 23 Money Service Businesses, I sent and received proceeds from the alien  
 24 smuggling operation. I knew the money I sent and received were proceeds  
 25 from unlawful alien smuggling and that the transactions I conducted were  
 26 designed to conceal or disguise the nature, the location, the source, the  
 27 ownership, or the control of this money. I admit that I laundered \$55,190 of  
 28 proceeds from Tony Cardenas' alien smuggling organization.

I have read this agreement, or it has been read to me in Spanish, and I have carefully  
 reviewed every part of it with my attorney. I understand it, and I voluntarily agree to it.

Date: 10/20/22

s/David G Alvarez on  
 behalf of defendant

Laura Lua  
 Defendant



DEFENSE ATTORNEY'S APPROVAL

I have discussed this case and the plea agreement with my client in detail and have advised the defendant of all matters within the scope of Rule 11, Fed. R. Crim. P., the constitutional and other rights of an accused, the factual basis for and the nature of the offense to which the guilty plea will be entered, possible defenses, and the consequences of the guilty plea, including the defendant's waiver of the right to appeal. No assurances, promises, or representations have been given to me or to the defendant by the government or by any of its representatives which are not contained in this written agreement. I concur in the entry of the plea as indicated above and on the terms and conditions set forth in this agreement as in the best interests of my client. I agree to make a bona fide effort to ensure the guilty plea is entered in accordance with all the requirements of Rule 11, Fed. R. Crim. P.

I translated or caused to be translated this agreement from English into Spanish to the defendant on the \_\_\_\_\_ day of 10/2022, \_\_\_\_\_.

Date: 10/20/22

s/ David G Alvarez

David G. Alvarez  
Attorney for Defendant

GOVERNMENT'S APPROVAL

I have reviewed this matter and the plea agreement. I agree on behalf of the United States that the terms and conditions set forth are appropriate and are in the best interests of justice.

GARY M. RESTAINO  
United States Attorney  
District of Arizona

Digitally signed by  
CRAIG RUSSELL  
Date: 2022.10.20  
13:43:05 -07'00'



Date: \_\_\_\_\_

CRAIG H. RUSSELL  
FRED COCIO  
Assistant U.S. Attorneys